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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,586	12/18/2000	Noboru Yamazaki	9333/253	3534

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,586

Applicant(s)

YAMAZAKI

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-11, and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Desai et al., 5862509.

3. As per claims 1, 2, 9, 14, and 15, Desai et al. disclose a map storage section for storing map data including road information regarding a partial lane in a plurality of lanes constituting a road, where advancing or leaving between a partial lane relative to another lane is permitted only in a predetermined authorized section(263); a vehicle position detecting section(253); an navigation processing section for performing a predetermined navigation operating(261); a timing judging section for judging a timing for performing a predetermined route guidance notification regarding the authorized section and a guidance notification section for performing the guidance notification on lines 42-52, on column 5.

4. As per claim 3, Desai et al. disclose a driving lane instruction section for setting whether or not the vehicle is to travel the partial lane on lines 55-65, on column 3;

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wherein the navigation processing section further comprises a route search processing section taking into account the availability of the partial lane, depending on the setting of the driving lane instruction section on lines 30-33, on column 2.

5. As per claim 4, Desai et al. disclose the navigation processing section further comprises a borderline display section for displaying a borderline between the partial lane and the other lane in the authorized section in a color different from that of other borderlines on lines 44-55, on column 8.

6. As per claims 5, 7, 16, and 20, Desai et al. disclose the guidance notification section performs guidance notification both by display and spoken announcement on line 45, on column 8.

7. As per claims 6 and 19, Desai et al. disclose the guidance notification section performs the guidance notification by an enlarged view on lines 65-67, on column 8.

8. As per claims 8, 10, and 18, Desai et al. disclose the partial lane is a carpool lane on line 39, on column 1.

9. As per claim 11, Desai et al. disclose the route search processing section searches the driving route by setting the cost of a link corresponding to the carpool lane lower than a link of a corresponding to an ordinary road on lines 25-28, on column 3.

10. As per claims 13 and 17, Desai et al. disclose the route search processing section comprises a driving lane instruction section for setting whether or not the driving route is searched taking the use of partial lane into consideration on lines 55-67, on column 3.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al., 5862509, in view of Kishi et al., 5410486.

13. Desai et al. disclose the limitations as set forth above. Desai et al. do not disclose the route search processing section sets the guidance route such that as the number of lanes increases, guidance regarding the carpool lane is performed earlier. Kishi et al. teaches of the route search processing section sets the guidance route such that as the number of lanes increases, guidance regarding the lane is performed earlier. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the earlier guidance of Kishi et al. in the invention of Desai et al. because such modification would allow the driver to execute a lane change with sufficient margin before reaching the guidance point as stated on lines 19-21, on column 3, of Kishi et al.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Ashby et al., 6038559, disclose segment aggregation in a geographic database and methods for use thereof in a navigation application.

16. Inoue et al., 6295503, disclose route setting device for setting a destination route from a departure point to a destination.

17. Hiyokawa et al., 6415225, disclose a navigation system and a memory medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB  
September 30, 2002

*James L. King*  
JAMES L. KING  
PATENT EXAMINER